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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/973,293	12/01/97	SCHWARTZ	8001.101/00

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TM02/1109

EXAMINER

COSIMANO, E

ART UNIT	PAPER NUMBER
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2161

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DATE MAILED: 11/09/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

MS

Office Action Summary

Application No.

08/973,293

Applicant(s)

SCHWARTZ ET AL.

Examiner

Edward R. Cosimano

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2000.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-28, 32-81, 113-131, 134-183 & 192-210 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-28, 33-81, 130, 131, 134-183, 192-205 & 208-210 is/are allowed.
- 6) ☒ Claim(s) 8-25, 113-129, 206 & 207 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 1997 is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on 26 July 2000 is: a) ☒ approved b) ☐ disapproved.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☒ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 17) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: _____

Art Unit: 2161

1. Applicant should note the changes to patent practice and procedure effective December 01, 1997 as published in the Federal Register, Vol 62, No. 197, Friday October 10, 1997.

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 C.F.R. § 1.67(a) identifying this application by its Serial Number and filing date is required. See M.P.E.P. §§ 602.01 and 602.02.

2.1 The oath or declaration is defective because:

A) Non-initialed and/or non-dated alterations have been made to the oath or declaration, note inventor Eskandari. See 37 CFR § 1.52(c).

B) Proof of authority of the legal representative under 37 CFR § 1.42 has been omitted and must be provided. Note deceased inventor Gardner.

3. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.74, § 1.75, § 1.84(o,p(5)) & § 1.121(a)(1)-1.121(a)(6).

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.1 Claims 8-25, 113-129, 206 & 207 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Sansone et al (4,947,333).

4.1.1 In regard to claims 8-25, 113-129, 206 & 207, Sansone et al ('333: see fig. 8 and column 8, lines 24-56) discloses a postage metering system in which attributes of an item of mail are used to determine the appropriate postage. Then if the required postage is approved a postage indicia and proof of payment are generated. Next the postage indicia and/or proof of payment data and the content information are printed on the item of mail so as to be visible to the mail processing equipment of the Post Office.

Art Unit: 2161

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

5.1 A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

6. The following is an Examiner's Statement of Reasons for Allowance:

6.1 The examiner has cited art of interest, which does not teach or suggest:

A) the use of mail content data to determine whether or not to dispense postage, (claims 26-28, 33-35, 130, 131 & 134-138);

B) the use of a postage indicia to cause to the postal carrier to provide a payment to another party (claims 36-81 & 139-183, 201-204, 208 & 209); and

C) the use of a postage indicia to cause to the postal carrier to provide a message to another party (claims 192-200, 205 & 210).

7. Response to applicant's arguments.

7.1 All rejections and objections of the previous Office action not repeated or modified and repeated here in have been over come by applicant's last response.

7.2 As per the 35 U.S.C. § 102(b) rejection, since the prior art clearly teaches printing proof of payment along with the content data, applicant's argument's are non persuasive.

8. The examiner has cited prior art of interest, for example:

A) Note Manduley (5,650,934) for a mailing system in which merged content and postage evidence information are printed separately.

Art Unit: 2161

B) Raspa (EP 0286768) which discloses the use of payment slips that are used to pay bills from an account at the Post Office.


C) Gilham (GB 2319271) or Brookner et al (WO 99/66456) or Bielski which disclose the use of payment verification when paying bills.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783. The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell, can be reached on (703)-305-9768. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.

9.1 The fax phone number for UNOFFICIAL FAXES for this group is (703) 305-0040.

9.2 The fax phone number for OFFICIAL FAXES for this group is either (703) 308-9051 or (703) 308-9052.

11/04/00


Edward R. Cosimano
Primary Examiner A.U. 2161